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NOV 18 2004 PATENT
Customer No. 22,852
Attorney Docket No. 09641.0010-00000

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Austin SMITH et al.

Serial No.: 09/786,817

Filed: June 8, 2001

For: PROPAGATION AND/OR
DERIVATION OF EMBRYONIC
STEM CELLS

) Group Art Unit: 1632

) Examiner: Michael Wilson

) Confirmation No.: 6701

) CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8
) I hereby certify that this correspondence is being transmitted by
) facsimile to the Patent and Trademark Office on
) November 18, 2004

BY: 
Rachel Venturi

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated

May 18, 2004 of the Examiner.

The item(s) checked below are appropriate:

1. ☒ A Petition for extension of time to respond to the final rejection was filed on May 18, 2004 extending the period for response to October 18, 2004.
2. ☒ A Petition for extension of time to further extend the period for response to November 18, 2004 is enclosed. The fee of \$550.00 can be charged to deposit account 06-0916.
3. ☒ The Appeal Fee of \$340.00 (or \$170.00 if by small entity)
☐ is enclosed or ☒ is to be charged to Deposit Account No. 06-0916
4. ☐ A check for \$_____ to cover the above fees is enclosed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 18, 2004

By: 

Leslie A. McDonnell
Reg. No. 34,872

Finnegan, Henderson, Farabow,
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